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March 25, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Agriculture Bag Manufacturing U.S.A., Inc.
Attn: Jeff C. Kuo
960 98th Ave.
Oakland, CA 94603

***NOTICE OF INTENT TO FILE CITIZEN SUIT
PURSUANT TO THE FEDERAL CLEAN WATER ACT***

Facility: Agriculture Bag Manufacturing U.S.A., Inc.
960 98th Ave.
Oakland, CA 94603
WDID No. 2 01I022113

Basin Plan: San Francisco Bay Basin, Region 2, Water Quality Control Plan

Receiving Water: San Leandro Creek in the San Francisco Bay Watershed

Dear Mr. Kuo:

On behalf of the Plastic Pollution Coalition, a project of the Earth Island Institute (collectively, "PPC"), whose address is 2150 Allston Way #460, Berkeley, California 94704, and telephone number is (510) 859-9100, I write regarding violations under the federal Clean Water Act ("CWA") occurring at the facility of Agriculture Bag Manufacturing U.S.A., Inc. ("Agriculture Bag") located at 960 98th Avenue, Oakland, CA 94603 ("Facility"). **The purpose of this letter is to provide Agriculture Bag with notice of these violations and notice of PPC's intent to file a lawsuit against the Agriculture Bag in sixty (60) days under the CWA in Federal District Court, pursuant to 33 U.S.C. § 1365(a)(1).** This letter puts Agriculture Bag on notice of violations and is being sent to you as the responsible owner, officer, and/or operators of Agriculture Bag, or as the registered agent for Agriculture Bag.

I. Legal Framework

The objective of the Clean Water Act is to restore and maintain the "chemical, physical and biological integrity of [the] Nation's waters." 33 U.S.C. § 1251(a). In accordance with that objective, § 301(a) of the Clean Water Act makes unlawful "the discharge of any pollutant by

any person,” unless in compliance with a permit issued under the National Pollutant Discharge Elimination System (“NPDES”). 33 U.S.C. §§ 1311(a), 1342; *Envtl. Prot. Agency v. California ex rel. State Water Resources Control Board*, 426 U.S. 200, 205 (1976). “An NPDES permit serves to transform generally applicable effluent limits and other standards . . . into the obligations . . . of the individual discharger.” *State Water Resources Control Board*, 426 U.S. at 205. Noncompliance with a permit constitutes a violation of the Clean Water Act. 40 C.F.R. § 122.41.

Stormwater Permit

Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p), establishes a framework for regulating pollutants associated with industrial activity. In California, any person who discharges storm water associated with industrial activity must comply with the terms of California’s general permit covering such discharges (“Stormwater Permit”).¹ 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.41(a); Stormwater Permit, § C(1). “Any [Stormwater] Permit noncompliance constitutes a violation of the [CWA] and the [California] Porter-Cologne Water Quality Control Act.” Stormwater Permit, § C(1). Broadly, the Stormwater Permit prohibits discharges of materials other than storm water directly or indirectly to waters of the United States and storm water discharges which “cause or threaten to cause pollution, contamination, or nuisance.” *Id.*, § A. The Stormwater Permit imposes a duty to “take all responsible steps to minimize or prevent any discharge in violation of [the Stormwater] Permit which has a reasonable likelihood of adversely affecting human health or the environment.” *Id.*, § C(4).

The Stormwater Permit implements the requirements of the Clean Water Act through both technology-based provisions and water quality-based standards. The Stormwater Permit sets out four basic requirements for permittees: (1) effluent limitations, (2) receiving water limitations, (3) the implementation of a Storm Water Pollution Prevent Plan (“SWPPP”), and (4) the development of a Monitoring and Reporting Program (“MRP”).

Effluent Limitations

First, the Stormwater Permit sets effluent limitations. There are three basic effluent limitations. Where the EPA has set effluent limitation guidelines for an industry, storm water discharges may not exceed the specific guidelines. Stormwater Permit, Effluent Limitation B(1). Additionally, storm water discharges shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 C.F.R. Part 117 and/or 40 C.F.R. Part 302.

¹ National Pollutant Discharge Elimination System General Permit No. CAS000001, California Water Quality Control Board, Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities. The Stormwater Permit is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/induspmpt.pdf. Agriculture Bag submitted a Notice of Intent for coverage for the Facility under the Stormwater Permit to the State Water Resources Control Board on June 18, 2009.

Stormwater Permit, Effluent Limitation B(2). Finally, the Stormwater Permit includes a technology-based requirement. It requires that facility operators “reduce or prevent pollutants associated with industrial activity” through (1) the implementation of the best available technology economically achievable (“BAT”) for toxic and non-conventional pollutants and (2) the best conventional pollutant control technology (“BCT”) for conventional pollutants.² Stormwater Permit, Effluent Limitation B(3). A facility operator can comply with this requirement by developing and implementing a Storm Water Pollution Prevention Plan (“SWPPP”) that (1) complies with the requirements in Section A of the Stormwater Permit and (2) includes best management practices (“BMPs”) that achieve BAT/BCT.³ *Id.*

The Environmental Protection Agency (“EPA”) has established benchmarks for pollutant discharges, which serve as the parameters to determine if a facility is properly implementing safeguards and procedures to prevent unlawful discharges. 65 Fed. Reg. 64746, Table 3. These benchmarks are relevant and an objective standard to evaluate whether a facility has implemented the requisite BAT and BCT. *See* Table 1.

Table 1: Relevant EPA Benchmarks

| Pollutant | EPA Benchmark |
|--------------------------------|----------------|
| Total Suspended Solids (“TSS”) | 100 mg/L |
| Oil and Grease | 15 mg/L |
| pH | 6.0 – 9.0 s.u. |

The California Legislature, through passage of the Nurdles Law (California Water Code section 13367) specifically targets plastic pollution, establishing minimum BMPs for facilities that manufacture, handle, and transport preproduction plastic. The Nurdles Law prescribes specific BMPs which should be implemented at each industrial site handling plastic pellets. The minimum BMPs include: containment systems at all onsite storm drain discharge locations; measuring to prevent discharge of plastic pellets during loading and unloading; storage of pellets

² Conventional pollutants are those typical of municipal sewage, and for which municipal secondary treatment plants are typically designed as biological oxygen demand (BOD), total suspended solids (TSS), fecal coliform bacteria, oil and grease, and pH. 40 C.F.R. § 401.16. Nonconventional pollutants are all pollutants that are not included in the list of conventional or toxic pollutants in 40 C.F.R. Part 401. Includes pollutants such as chemical oxygen demand (COD), total organic carbon (TOC), nitrogen, and phosphorus.

³ BMPs are

schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

40 C.F.R. § 122.2. BMPs can be structural or non-structural.

in sealed containers; installation of capture devices under transfer valves and devices during loading and unloading; and vacuum or vacuum type system for quick cleanup of fugitive plastic pellets. Cal Water Code § 13367(e)(1) – (5).

Receiving Water Limitations

Second, the Stormwater Permit prohibits the discharge of water that causes or contributes to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan, here the San Francisco Bay Water Quality Control Plan ("Basin Plan"). Stormwater Permit, Receiving Water Limitation C(2); *Baykeeper v. Kramer Metals, Inc.*, 619 F. Supp. 2d 914, 920 (C.D. Cal. 2009). The Basin Plan contains "discharge prohibitions applicable throughout the region." Basin Plan, 4-7 and Table 4-1; *see* Table 2, below.

Table 2: Basin Plan Discharge Prohibitions

| No. | It shall be prohibited to discharge: |
|-----|--|
| 6 | All conservative toxic and deleterious substances, above those levels which can be achieved by a program acceptable to the Regional Board, to waters of the Basin |
| 7 | Rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas. |

The Bay Area Regional Water Quality Control Board ("Regional Board") has found previously that discharge of preproduction plastic is a violation of Discharge Prohibition 6 because "plastic pellets are deleterious in that fish, birds and other marine animals eat the pellets but are unable to digest them, thus starving to death. . . . The plastic pellets will take decades or centuries to fully degrade and may concentrate and transport other, persistent, organic pollutants that may have toxic effects on plants, fish and wildlife." Cleanup and Abatement Order R2-2011-033. It found that the same discharges of preproduction plastic are also in violation of Discharge Prohibition 7 because "plastic pellets are a solid waste in that they are associated with human habitation from manufacturing operations in accordance with California Water Code section 13050(d)." *Id.*

A facility operator may avoid violation of limitation C(2) if (1) the facility operator has implemented BMPs that achieve BAT/BCT and (2) the facility operator appropriately submits a report that describes the current BMPs *and revisions* to those BMPs and the SWPPP upon identification of a problem. Stormwater Permit, Receiving Water Limitation C(3)-(4).

Stormwater Pollution Prevention Plan

Third, the Stormwater Permit requires that permittees develop and implement a SWPPP that meets certain requirements. Stormwater Permit, § A. The SWPPP has two major objectives: (1) to identify and evaluate sources of pollutants and (2) to identify and implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Stormwater Permit, Section A(2). Section A of the Stormwater Permit catalogues

with significant detail what an SWPPP must contain to comply with the General Permit. A SWPPP must contain a compliance activity schedule, a description of industrial activities and pollutant sources, a description of BMPs, drawings, maps (including a site map), and relevant copies or references of parts of other plans. *Id.* A permittee must evaluate and update the SWPPP with additional BMPs necessary to achieve compliance with the General Permit. *See* Stormwater Permit, Receiving Water Limitation C(3)-(4), §§ A(2) & A(9).

Monitoring and Reporting Program

Fourth, the Stormwater Permit requires a permittee to develop a Monitoring and Reporting Program (“MRP”). Stormwater Permit, Section B. As part of the MRP, a permittee must conduct visual observations of storm water throughout the Wet Season; must collect water samples at each outfall during specific times; must analyze these samples for specific contaminants; and must file Annual Reports with the Regional Board summarizing the visual observations, results of sampling analysis, and Stormwater Permit compliance. Stormwater Permit, §§ B(3)-(5), B(14). The monitoring and reporting program should inform changes in management. Response must be taken “to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Section A of [the Stormwater] Permit.” *Id.*, § B(3)(d).

II. Background: Agriculture Bag

Based on PPC’s investigation, Agriculture Bag has been operating the Facility since as early as 1984. Applicable standard industrial codes (“SIC”) for operations at the site include those listed in Table 3.

Table 3: Applicable Standard Industrial Codes Identified by Agriculture Bag

| | |
|------|---------------------------------------|
| 2393 | Textile Bags |
| 2673 | Bags: Plastics, Laminated, and Coated |
| 5113 | Industrial & Personal Service Paper |

Agriculture Bag manufactures woven plastic textile bags at this site. The Facility receives approximately 400,000 pounds of pelletized polypropylene per month via tanker trucks. Plastic pellets are stored in a shipping container modified to act as a holding silo. Pellets are transferred in containers to a processing area that creates strands of plastic used to weave bags.

This facility has a history of environmental noncompliance including at least those incidents listed in Table 4.

Table 4: Agriculture Bag History of Water Quality-Related Violations

| | |
|----------------|--|
| August 2, 2010 | San Francisco Bay Regional Water Quality Control Board ("Water Board") issues Notice of Violation to Facility for failure to comply with Stormwater Permit and Basin Plan (Attached) |
| March 18, 2009 | Notice of Violation from the Water Board for failure to obtain Stormwater Permit for the Facility and failure to have a SWPPP |
| March 1, 2007 | Housekeeping, including removal of rust, chemical residues, and litter from storm drain conveyance required by City of Oakland's Hazardous Materials Unit |
| July 26, 1994 | City of Oakland's Runoff Clean Water Program notifies Facility of need for a Stormwater Permit and a SWPPP and demands compliance within thirty days, which was apparently ignored by facility |

Stormwater from the Facility drains into the public stormwater system located on the Facility's periphery and is ultimately discharged to San Leandro Creek. Water Board-identified Beneficial uses for San Leandro Creek are:

- Freshwater Replenishment
- Cold Freshwater Habitat
- Fish Migration
- Preservation of Rare and Endangered Species
- Fish Spawning
- Wildlife Habitat
- Water Contact Recreation
- Noncontact Water Recreation
- Warm Freshwater Habitat

San Leandro Creek is impaired in its ability to meet these Beneficial Uses as a result of trash from unpermitted discharges to storm sewers.⁴ San Leandro Creek flows into San Francisco Bay, and pollution of this stream impacts the water quality of the Bay.

⁴ List of impaired waters available at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

III. Background: Plastic Pollution

Small pieces of plastic are potentially deleterious to birds, fish, and other marine animals. Wildlife may feed on small plastic pieces because they resemble food, and field studies have linked consumption of plastic with negative biological impacts.⁵ Accumulation of plastic pieces in an animal's stomach can cause feelings of satiation, potentially leading to the animal's malnutrition or starvation. Plastics can also adsorb persistent organic pollutants from their surrounding aquatic environments.⁶ Plastic debris may then mediate the transfer of these pollutants to wildlife.⁷ In an effort to mitigate this pollution, California cities, towns, and taxpayers spend \$428 million per year to address litter.⁸

IV. Violations

PPC's investigation concluded that Agriculture Bag is in violation of the Clean Water Act and the Stormwater Permit because it has caused or permitted waste to be discharged, or deposited where it can be and has been discharged, or threaten to discharge waste into waters of the state and the United States, and has created and threatened to create a condition of pollution in violation of the terms of its Stormwater Permit. In addition to the violations explicitly discussed in this notice letter ("Notice"), this Notice also covers all violations of the same type evidenced by information which becomes available after the date of this Notice, as well as any uncorrected violations identified by the Water Board in its August 2, 2010, Notice of Violation to Agriculture Bag ("Notice of Violation"), incorporated herein by reference. *See Attachment 1.* Although other violations are discussed to provide context, this Notice only targets enforcement for violations occurring in the five-year period immediately proceeding the date of this letter through the date of resolution of this matter.

⁵ The Convention on Biological Diversity summarized there are currently 663 species of marine life known to be impacted by marine debris. Convention on Biological Diversity, 2012.

⁶ A plastic pellet may attract up to one million times the concentration of some pollutants in ambient seawater. Y. Mato et al., *Plastic resin pellets as a transport medium for toxic chemicals in the marine environment*, 35 ENVIRONMENTAL SCIENCE AND TECHNOLOGY at 318 (2001); L.M. Rios et al., Quantification of persistent organic pollutants adsorbed on plastic debris from the Northern Pacific Gyre's "eastern garbage patch", 12 JOURNAL OF ENVIRONMENTAL MONITORING at 2226 (2010).

⁷ Food mimicry, based on color, shape or presence of biofilms, is one mechanism driving ingestion of plastics, as well as filter feeding and respiration. Once in the stomach persistent organic pollutants may desorb as a result of changes in PH, temperature, or the presence of surfactants. Bakir, A., Rowland, S. J., Thompson, R. C. Enhanced desorption of persistent organic pollutants from microplastics under simulated physiological conditions. ENVIRONMENTAL POLLUTION. 185, 16-23 (2014)

⁸ Leila Monroe, WASTE IN OUR WATERWAYS UNVEILING THE HIDDEN COSTS TO CALIFORNIANS OF LITTER CLEAN-UP (August 2013), available at: <http://www.nrdc.org/oceans/files/ca-pollution-in-waterways-IB.pdf>.

Clean Water Act

| | |
|---------------------------|---|
| 33 U.S.C. 1311 | Discharge of pollutant without a permit. |
|---------------------------|---|

Agriculture Bag is violating the CWA in that it has discharged and is likely to discharge the following pollutants into waters of the state and United States without complying with the NPDES program, as is discussed in greater detail below:

- plastic pellets, string, plastic debris,
- oil and grease,
- total suspended solids, and
- pH-affective substances.

Specifically, based on PPC's investigations, preproduction plastic pellets and manufactured plastic string as well as rubbish composed of plastic and other materials have and will continue to be discharged from the Facility and enter into the public storm drain during storm events (and possibly at other times). On at least February 11, 2014, and March 11, 2014, preproduction plastic pellets and plastic string were observed being discharged into the public sidewalks and street, which in turn, discharge into the public storm drain from which they entered San Leandro Creek, waters of the state and waters of the United States. Furthermore, Agriculture Bag has self-reported discharges of pollutants inconsistent with EPA's Benchmarks (*see* Table 5), the causes of which have not been resolved, in violation of the terms of the Stormwater Permit, and therefore, the CWA.

Violations of Stormwater Permit

| | |
|--|---|
| Discharge Prohibition A.1 | Discharge of materials other than stormwater |
|--|---|

Agriculture Bag is violating Prohibition A.1 of the Stormwater Permit in that it has discharged and is likely to discharge plastic pellets, string, and plastic debris into storm drains and high levels of TSS and oil and grease where it will be transported to surface waters, as discussed above. In particular, the discharges of plastic pellets, string, and plastic debris are not stormwater as defined in the permit. In addition, PPC's investigations show that Agricultural Bag consistently reports discharges of stormwater with unacceptable levels of conventional pollutants. Specifically, since 2009, Agriculture Bag has included in its Annual Reports for the Facility: eleven occasions of exceedances of the 100 mg/L benchmark for TSS; three occasions of exceedances of the 15 mg/L benchmark for oil and grease; and two occasions of discharge of water more acidic than the EPA Benchmark minimum of 6 s.u. *See* Table 5.

Table 5: Discharge of Pollutants in Violation of EPA Benchmarks

| Pollutant | Date & Location | Measurement⁹ |
|-------------------------|-----------------------------|--------------------------------|
| pH | 11/28/12, S-1 ¹⁰ | 5.9 |
| | 11/28/12, S-2 ¹¹ | 5.7 |
| TSS | 2/19/13, S-1 | 140 |
| | 2/19/13, S-2 | 140 |
| | 2/19/13, S-3 ¹² | 240 |
| | 10/10/11, S-1 | 160 |
| | 2/7/12, S-1 | 150 |
| | 2/7/12, S-2 | 200 |
| | 2/7/12, S-3 | 150 |
| | 12/21/09, S-1 | 130 |
| | 12/21/09, S-2 | 130 |
| | 3/12/10, S-1 | 160 |
| Oil & Grease | 3/12/10, S-2 | 190 |
| | 12/21/09, S-1 | 15.7 |
| | 12/21/09, S-2 | 18.3 |
| | 3/12/10, S-2 | 15.9 |

These levels of pollutants are indicative of non-stormwater.

| | |
|--|--|
| Effluent Limitation B.3; SWPPP Requirements | Failure to implement BAT/BCT and to implement a SWPPP that complies with the requirements of the Stormwater Permit; Failure to respond to eliminate unauthorized non-storm water discharges |
| Standard Provisions C.4 | Failure to take reasonable steps to minimize or prevent discharges in violation of the Stormwater Permit |

In 2010 the Water Board directed Agriculture Bag to, among other things:

- “[m]odify berm, increase housekeeping, or implement other pellet-specific BMPs to prevent storm and non-storm discharges of plastic pellets.”

⁹ Units are the same as in Table 1.

¹⁰ Identified by Agriculture Bag as the corner of Gould and 98th Avenue.

¹¹ Identified by Agriculture Bag as 98th Avenue.

¹² Identified by Agriculture Bag as the corner of Medford & 98th Avenue.

- “Conduct container transfers in areas not suspect to storm water contact or with secondary containment to prevent ground contact.”
- “Implement additional plastic pellet source control BMPs such as secondary containment or catchment during silo loading and pellet transfers, or additional housekeeping measures such as frequent clean-up by broom or vacuum.”

Based on PPC’s recent observations, Agricultural Bag has made insufficient or no effort to correct past violations and to avoid further discharge of pollutants, or to implement the minimal BMPs required by the Regional Board and the Nurdles Law. Plastic pellets, plastic string, and other rubbish are uncovered and scattered on the Facility and overflowing onto the public sidewalk. Plastic pellets, string, and debris from the Facility is entering the storm drain. Although this pollution has been brought to the attention of Agriculture Bag repeatedly, the SWPPP has apparently not been modified or implemented to address the problem.

| | |
|---|--|
| Receiving Water Limitation C.2 | Contribution to exceedance of water quality standards contained in the Basin Plan |
|---|--|

San Leandro Creek, to which the Facility ultimately discharges, is impaired as a result of discharges of trash from the storm water system. Discharges of plastic pellets, plastic string, and other rubbish from the site are contributing to this impairment. These discharges are violations of Discharge Prohibitions 6 and 7 contained in the Basin Plan, and, therefore, are violations of the Stormwater Permit

| | |
|--|--|
| Monitoring and Reporting Requirement 11.d | Failure to fully report and describe mitigation of acidic stormwater and high levels of total suspended solids and oil and grease |
|--|--|

Agriculture Bag’s Annual Reports includes stormwater pH samples that are more acidic than permitted by the Basin Plan and discharges of TSS and oil and grease that exceed EPA benchmark thresholds. Agriculture Bag has not described the cause of this noncompliance nor described steps that were or shall be taken to reduce and prevent recurrence of the noncompliance. Agriculture Bag has not taken steps to address the concerns of the Regional Board, as expressed in its 2010 Notice of Violation, Attachment 1.

| | |
|--|---|
| Monitoring and Reporting Requirement 14 | Failure to submit an Annual Report |
|--|---|

Agriculture Bag failed to submit an Annual Report for the 2010-2011 reporting year.

V. Penalties for Violations of the Clean Water Act and Relief PPC Seeks

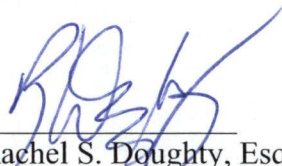
Every day that a facility operates with inadequately developed and/or implemented BMPs in violation of the BAT/BCT requirements of the Stormwater Permit is a separate and distinct violation of the Stormwater Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). These violations are ongoing and the Agriculture Bag Owners and Operators will continue to violate the Stormwater Permit and CWA every day of operation in violation of the requirements of the Stormwater Permit.

Pursuant to section 309(d) of the Clean Water Act, 33 U.S.C. 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the CWA subjects the violator to a penalty for all violations within a five-year time frame. These provisions of law authorize civil penalties for each separate violation of the CWA of \$37,500. *See* 33 U.S.C. § 1319(d); *see also* 40 C.F.R. § 19.4. In addition to civil penalties, the CWA authorizes the imposition of injunctive relief to prevent Agriculture Bag from further violations of the CWA pursuant to Sections 505(a) and (d), 33 U.S.C. §§ 1365(a) and (d), declaratory relief, and such other relief as permitted by law.

VI. Conclusion

Any and all communication related to this matter should be directed to Rachel S. Doughty, attorney for EII, at the address and telephone number listed at the top of this letter.

Respectfully,



Rachel S. Doughty, Esq.
Greenfire Law
1202 Oregon Street
Berkeley CA, 94702

James Birkelund, Esq.
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San Francisco, CA 94104

Gary A. Davis
Davis & Whitlock, P.C.
Attorneys at Law
21 Battery Park Avenue, Suite 206
Asheville, NC 28801

*Attorneys for Plastic Pollution Coalition,
a Project of Earth Island Institute*

**Copies of letter and attachment
sent via U.S. Mail to:**

Mr. Eric H. Holder, Jr.
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Ms. Gina McCarthy Administrator
US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Mr. Jared Blumenfeld
Regional Administrator
US EPA, Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Mr. Tom Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Bruce H. Wolfe
Executive Officer
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Attachment 1



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger
Governor

Certified Mail No. 7008 1830 0003 0496 1992
Return Receipt Requested

August 2, 2010

Agricultural Bag Manufacturing
Attn: Michael Kuo
960 98th Ave
Oakland, CA 94603

**Subject: Industrial stormwater NOTICE OF VIOLATION; and
REQUIRED ADDITIONAL MONITORING AND REPORTING per
California Water Code Section 13383 and Industrial Stormwater Permit**

**Facility: Agricultural Bag Manufacturing
Attn: Michael Kuo
960 98th Ave
Oakland, CA 94603
WDID No. 2 01I022113**

Dear Michael Kuo:

You are hereby given notice that the industrial facility indicated above (Facility) is in violation of stormwater protection requirements. This letter outlines the violations and requires you to submit information by various date(s) noted herein to demonstrate the Facility's return to compliance. If you fail to correct the violations noted in this letter and attached inspection report, you may be subject to monetary penalties. Furthermore, if you respond inadequately to this letter, you may be subject to additional monetary penalties.

Regional Water Board staff inspected the Facility on 4/22/2009 and noted numerous water quality violations. Specifically, the Facility is in violation of the NPDES General Permit for Discharges of Stormwater associated with Industrial Activities Excluding Construction Activities, Order No. 97-03-DWQ (Permit¹) and the San Francisco Bay Water Quality Control Plan (Basin Plan²).

¹ Permit: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

² Basin Plan Table 4.1, Prohibitions:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/tab/tab_4-01.pdf

Permit violations

The Permit requires industrial facility owners to implement controls that reduce pollutants in stormwater discharges to the Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology (BAT/BCT) performance standard. Development and implementation of a Stormwater Pollution Prevention Plan that complies with the requirements in Section A of the Permit and that includes Best Management Practices (BMPs) that achieve BAT/BCT constitutes compliance with this requirement. Our inspector observed that the Facility does not meet this standard, and therefore, the Facility is in violation of the Permit.

Basin Plan Prohibition violations

Additionally, the Facility is in violation of the Basin Plan, which is the Regional Water Board's master water quality control document. The Basin Plan applies to all discharges within the Regional Water Board's jurisdiction, including discharges from this Facility. We observed during the 4/22/2009, inspection evidence of discharges that are in violation of, at a minimum, Basin Plan Prohibition 7:

- **Prohibition 7** prohibits rubbish, refuse, bark, sawdust, or other solid wastes into surface waters or at any place where they would contact or where they would be eventually transported to surface waters, including flood plain areas.

Please refer to the attached inspection report for the details of the violations and required corrective actions.

Consequences for not coming into compliance

Failure to return to compliance with the Permit and failure to comply with the Basin Plan prohibitions are violations of California Water Code (CWC) Section 13385(a)(2) and (a)(4), respectively, for which the Regional Water Board may impose civil liability in the amount not to exceed \$10,000 per day of each violation, plus \$10 per gallon in excess of 1,000 gallons per discharge.

The permit and CWC Section 13383 delegate to the Regional Water Board the authority to require facility operators to conduct additional SWPPP and Monitoring Program and reporting activities necessary to achieve compliance with the Permit. Therefore, the monitoring and reporting requirements outlined in this letter and attached inspection report are permit requirements. Failure to adequately respond to each reporting requirement listed in this letter and attached inspection report is a violation of CWC Section 13385(a)(2). As noted above, the Regional Water Board may impose civil liability for such reporting violations in the amount not to exceed \$10,000 per day of each violation.

Additional notes

If you need guidance, the California Stormwater Quality Association (CASQA) publishes a handbook for Industrial Stormwater Best Management Practices³. The CASQA handbook is one

³ CASQA BMP Handbook: <http://www.cabmphandbooks.com/Industrial.asp>

of many online resources that describe industry standard BMPs. Please note that the Regional Water Board can not specify means of compliance. It is your responsibility to select and correctly implement an appropriate suite of BMPs. Use of the CASQA handbook or other similar guidance documents may help you achieve compliance, but it does not guarantee compliance.

If you have any questions regarding this letter, please contact me at (510) 622-2346 or by email at cboschen@waterboards.ca.gov.

Sincerely,



Digitally signed by
Christine Boschen
Date: 2010.08.02
14:15:39 -07'00'

Christine Boschen
Section Leader,
Watershed Management Division

Encl.: 4/22/2009, Inspection Findings, Violations, and Corrective Actions
4/22/2009, Inspection Photo Log

cc: City of Oakland
Lesley Estes, lcestes@oaklandnet.com
Craig Pon, cpon@oaklandnet.com

**State of California – Environmental Protection Agency
California Regional Water Quality Control Board – San Francisco Bay Region**

INDUSTRIAL STORM WATER INSPECTION REPORT

SITE INFORMATION

2 011022113 04/22/2009 2393, 2673, 5113 Woven plastic bag manufacturing
WDID NUMBER NOI PROCESSING DATE SIC CODE(S) TYPE(S) OF INDUSTRIAL ACTIVITY

Agriculture Bag Mfg. 960 98th Ave Oakland 94603 N/A
FACILITY NAME ADDRESS CITY ZIP FACILITY SIZE

Michael Kuo Operations Mgr 510 632 5637 N/A
OWNER OF SITE REPRESENTATIVE PRESENT DURING INSPECTION TITLE PHONE NUMBER EMAIL

INSPECTION LOGISTICS

6/22/2010 10:06 11:20 Sunny, no rain predicted
DATE ARRIVAL TIME DEPARTURE TIME WEATHER CONDITIONS

INSPECTION PRE-ANNOUNCED: ☐ YES ☒ NO PICTURES TAKEN: ☒ YES ☐ NO SAMPLES COLLECTED: ☐ YES ☒ NO

PURPOSE OF INSPECTION

| | |
|--|---|
| <input type="checkbox"/> ROUTINE COMPLIANCE ASSESSMENT | <input type="checkbox"/> COMPLAINT/REFERRAL FOLLOW-UP |
| <input type="checkbox"/> NOTICE OF TERMINATION REQUESTED <input type="checkbox"/> Facility Closed (date _____) and completely cleaned <input type="checkbox"/> Light industry (SIC code(s) _____) and no exposure (see checklist on page 8) <input type="checkbox"/> No stormwater discharge because site <input type="checkbox"/> drains to sanitary <input type="checkbox"/> drains to treatment pond <input type="checkbox"/> Permit not required for this industry (SIC code(s) _____) <input type="checkbox"/> Regulated by another NPDES permit that covers Stormwater discharge <input type="checkbox"/> New Facility Operator | <input type="checkbox"/> MONITORING REDUCTION REQUESTED <input type="checkbox"/> No Exposure Certification <input type="checkbox"/> Sampling and Analysis Reduction <input type="checkbox"/> PREVIOUS INSPECTION/ENFORCEMENT FOLLOW-UP Compliance due date _____ <input checked="" type="checkbox"/> OTHER REASON FOR INSPECTION (PLEASE SPECIFY): INSPECTION INITIATED UNDER PREPRODUCTION PLASTICS INQUIRY |

INSPECTOR'S RECOMMENDATION / INTERNAL TRACKING

| | |
|---|--|
| Outcome of inspection <input type="checkbox"/> ISSUE NOTICE TO COMPLY <input checked="" type="checkbox"/> ISSUE NOTICE OF VIOLATION <input type="checkbox"/> APPROVE NOTICE OF TERMINATION <input type="checkbox"/> APPROVE MONITORING REDUCTION <input type="checkbox"/> SITE IN COMPLIANCE Recommendation for follow up or reinspection <input type="checkbox"/> REINSPECT ON: date _____ <input type="checkbox"/> REFER TO LOCAL AGENCY FOR FOLLOW UP <input checked="" type="checkbox"/> OTHER (describe in notes section) | NOTES: Agriculture Bag manufactures woven plastic textile bags. The facility receives approximately 400,000lbs of pelletized polypropylene per month via tanker trucks. Pellets are stored inside a shipping container modified to act as a holding silo. Pellets are transferred in containers to a processing area that creates strands of plastic used to weave bags. |
|---|--|

Dylan Seidner
INSPECTOR NAME

SIGNATURE

6/29/2010
REPORT DATE

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – San Francisco Bay Region

INDUSTRIAL STORM WATER INSPECTION REPORT

| A. STORM WATER POLLUTION PREVENTION PLAN EVALUATION (SWPPP) – Did the Permittee: | | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|---|--|
| | Yes | No | N/A | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| 1 Develop a SWPPP and retain on-site [Section A.1* & A.10] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP was readily available. | N/A |
| 2 Identify and/or promptly update pollution prevention team [Section A.3] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included. | N/A |
| 3 Identify pollution prevention team responsibilities [Section A.3] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included. | N/A |
| 4 Develop and/or promptly update site map [Section A.4] | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Site map does not indicate sampling points. Michael Kuo clarified sampling points and manually updated the map at time of inspection. | Update site map to include sampling points. Label sampling locations on the site map to correspond with those listed on sample paperwork and results. Submit by 45 DAYS AFTER DATE OF COVER LETTER, an updated site map. Submit this documentation by email to cboshen@wateboards.ca.gov |
| 5 List significant materials handled and stored on-site [Section A.5] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | SWPPP included significant materials such as oil, grease and pellets. | N/A |
| 6 Describe industrial activities and associated potential pollutant sources [Section A.6] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included. | N/A |
| 7 Assess activities, pollutant sources, pollutants [Section A.7] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included. | N/A |
| 8 Describe (narrative) site-specific BMPs [Section A.8] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included BMPs such as overhead cover, secondary containment, hazardous materials | N/A |

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INDUSTRIAL STORM WATER INSPECTION REPORT

| A. STORM WATER POLLUTION PREVENTION PLAN EVALUATION (SWPPP) – Did the Permittee: | | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|--|--------------------------------|
| | Yes | No | N/A | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | | | | | storage, and housekeeping. | |
| 9 Conduct Annual Comprehensive Site Compliance Evaluation [Section A.9] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Visual observation inspections and records available w/ SWPPP. | N/A |
| 10 Sign and certify SWPPP [Section C.9] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included. | N/A |

*References correspond to the NPDES General Permit for Discharges of Storm Water associated with Industrial Activities, Order No. 97-03-DWQ

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INDUSTRIAL STORM WATER INSPECTION REPORT

| B. MONITORING PROGRAM EVALUATION – Did the Permittee: | | | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|---|--|
| | Yes | No | N/A | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| 1 Develop a Monitoring Program and retain on-site [Section B.1*] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Monitoring program documents readily available with SWPPP. | N/A |
| 2 Schedule Non-Storm Water Discharge Visual Observations [Section B.3] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Included. | N/A |
| 3 Schedule Storm Water Discharge Visual Observations [Section B.4] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Visual observation records available. Notes indicate oil sheen during storm discharges, however no notes regarding follow-up actions to reduce or prevent these pollutants in storm water discharges. | Update observation records to include responses taken to reduce or prevent pollutants from contaminating storm water. Future visual observations that note pollutants should also include response actions. Submit by 45 DAYS AFTER DATE OF COVER LETTER, an updated copy of the monitoring plan visual observations with response actions. Submit this documentation by email to cboshen@wateboards.ca.gov |
| 4 Describe sampling and analysis methodology [Section B.5] | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sampling methodology, QA, and QC not described well. Chain of custody and collection times did not correlate for storm samples. Some sample hold times for storm samples may have been exceeded. | Update sampling methodology in the monitoring program to reflect the employed sampling methods. Verify that the sample collection and analysis times are recorded correctly. Verify that storm sample holding times are not exceeded for all indicated parameters. Submit by 45 DAYS AFTER DATE OF |

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INDUSTRIAL STORM WATER INSPECTION REPORT

B. MONITORING PROGRAM EVALUATION – Did the Permittee:

| | Yes | No | N/A | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--|--|
| | | | | | | COVER LETTER, an updated copy of the sampling and analysis portion of the monitoring plan that address the above notes. Submit this documentation by email to cboshen@wateboards.ca.gov |
| 5 Sample two storm events. If not, explain. [Section B.5.a] | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Results for 2010 storm events were not readily available for review due to Annual Report preparation by an outside consultant. | Submit by 45 DAYS AFTER DATE OF COVER LETTER, a copy of the annual report that includes storm event results. Submit this documentation by email to cboshen@wateboards.ca.gov |
| 6 Sample for additional parameters. If not, explain. [Section B.5.c.iii] | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | No additional parameters noted. | N/A |
| 7 Sample ALL storm water discharge points. If not, explain. [Section B.7] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | On-site storm drain plus two off-property discharge points sampled. | N/A |
| 8 Describe monitoring methods [Section B.10] | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Monitoring methods, QA, and QC procedures require clarification. See comments B.4 | Update monitoring program to include description of methods, QA and QC. See corrective notes for B.4 Submit by 45 DAYS AFTER DATE OF COVER LETTER, an updated copy of the monitoring plan. Submit this documentation by email to cboshen@wateboards.ca.gov |
| 9 Describe quality assurance and quality control methods [Section B.10.b] | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | See above | See above |

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INDUSTRIAL STORM WATER INSPECTION REPORT

| B. MONITORING PROGRAM EVALUATION – Did the Permittee: | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--|--------------------------------|
| | Yes | No | N/A | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| 10 Retain records of all storm water monitoring and reports for at least five years [Section B.13] | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Enrolled since April 2009, annual report did not contain sampling results due to lack of storm events. Results for 2010 incomplete due to preparation of 2010 Annual Report by consultant. | See B.5 corrective action. |

*References correspond to the NPDES General Permit for Discharges of Storm Water associated with Industrial Activities, Order No. 97-03-DWQ

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INDUSTRIAL STORM WATER INSPECTION REPORT

| C. BMP IMPLEMENTATION EVALUATION – Industrial Processing Areas: | | | | | | |
|---|-------------------------------------|--------------------------|--|--------------------------|--|--------------------------------|
| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | YES | NO | | | | |
| 1 Overhead roofs or cover | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | The majority of industrial processing machinery is indoors. Outdoor activities are mostly designated for materials storage and transfer. See section D. | N/A |
| 2 Isolation of activities and/or materials from rain | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 3 Proper grading to divert runoff from source areas | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 4 Collect and/or treat storm water (specify) | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 5 Frequent inspections to identify problem areas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | Indoor housekeeping occurs daily | N/A |
| 6 | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | |

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INDUSTRIAL STORM WATER INSPECTION REPORT

| D. BMP IMPLEMENTATION EVALUATION – Material Handling & Storage Areas, Including Shipping & Loading Areas: | | | | | | |
|---|-------------------------------------|--------------------------|--|-------------------------------------|--|--|
| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | YES | NO | | | | |
| 7 Overhead roofs or cover | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Adequately Implemented | <input type="checkbox"/> | The majority of materials stored outdoors were either tarped or placed under cover to prevent contact with storm water. (See photos d.7a, d.7b). Plastic pellets are stored in an outdoor silo (See photo d.7c) | N/A |
| 8 Isolation of activities and/or materials from rain | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | Plastic pellet storage area is bermed by sheet metal to prevent discharge of pellets to the street (photo d.8a). Sheet metal currently shows gaps in joints (photo d.8b). Pellets were visible on the sidewalk outside the facility and on the ground between the berm and silo. | Modify berm, increase housekeeping, or implement other pellet-specific BMPs to prevent storm and non-storm discharges of plastic pellets. Submit by 45 DAYS AFTER DATE OF COVER LETTER photo documentation of the above corrective actions. Submit this documentation by email to: cboshen@wateboards.ca.gov |
| 9 Proper grading to divert runoff from source areas | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 10 Collect and/or treat storm water (specify) | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 11 Frequent inspections to identify problem areas | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |

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| D. BMP IMPLEMENTATION EVALUATION – Material Handling & Storage Areas, Including Shipping & Loading Areas: | | | | | | |
|--|-------------------------------------|--------------------------|--|-------------------------------------|--|--|
| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | YES | NO | | | | |
| 12 Spill and leak prevention and control measures | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | Ground surface in front of the hazardous materials storage shed had a visible oil sheen from oil container transfer spills (see photo d.12). | Conduct container transfers in areas not suspect to storm water contact or with secondary containment to prevent ground contact. Clean-up oily sheen on ground surface to prevent storm water contamination. Submit by 45 DAYS AFTER DATE OF COVER LETTER photo documentation of the above corrective actions. Submit this documentation by email to: cboshen@wateboards.ca.gov |
| 13 Inventory and labeling of raw materials and wastes | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Adequately Implemented | <input type="checkbox"/> | Hazardous materials are stored inside a designated hazardous materials shipping container to prevent storm water contamination (see photo d.13). | N/A |

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INDUSTRIAL STORM WATER INSPECTION REPORT

D. BMP IMPLEMENTATION EVALUATION – Material Handling & Storage Areas, Including Shipping & Loading Areas:

| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
|---|--------------------------|-------------------------------------|--|--------------------------|---|---|
| | YES | NO | | | | |
| 14 Plastic pellet handling | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Partially Implemented | <input type="checkbox"/> | Plastic pellets were visible around the silo area and sidewalk surrounding the silo (see comments D.8). | <p>Implement additional plastic pellet source control BMPs such as secondary containment or catchment during silo loading and pellet transfers, or additional housekeeping measures such as frequent clean-up by broom or vacuum.</p> <p>Additional BMPs are available through Operation Clean Sweep or Plastic Pellets in the Aquatic Environment (U.S. EPA)</p> <p>Update SWPPP to reflect plastic pellet BMPs.</p> <p>Submit by 45 DAYS AFTER DATE OF COVER LETTER photo documentation of the above corrective actions and updates to the SWPPP that include pellet specific BMPs. Submit this documentation by email to: cboshen@wateboards.ca.gov</p> |

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| E. BMP IMPLEMENTATION EVALUATION – Vehicle and Equipment Maintenance Areas: | | | | | | |
|---|--------------------------|-------------------------------------|--|-------------------------------------|--|--|
| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | YES | NO | | | | |
| 15 Overhead roofs or cover | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not Implemented | <input checked="" type="checkbox"/> | <p>Outdoor area contained disassembled metal equipment (photo e.15a).</p> <p>Asphalt in these areas contained metal parts, oil sheen and mechanical grease stains from maintenance or disassembly operations (photo e.15b).</p> <p>Disassembled equipment with oil residue stored outdoors (photo e.15c)</p> | <p>Move metal equipment under cover, indoors or remove.</p> <p>Perform equipment and disassembly under cover, indoors, or in a manner that prevents oil, grease and metals from contacting storm water.</p> <p>Clean-up oily sheen and grease on ground surface to prevent storm water contamination.</p> <p>Store equipment with oil residue indoors, undercover, with secondary containment or in a manner than prevents storm water contact.</p> <p>Submit by 45 DAYS AFTER DATE OF COVER LETTER photo documentation of the above corrective actions. Submit this documentation by email to: cboshen@wateboards.ca.gov</p> |
| 16 Isolation of activities and/or materials from rain | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Not Implemented | <input checked="" type="checkbox"/> | See above | See above |
| 17 Proper grading to divert runoff from source areas | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 18 Collect and/or treat storm water (specify) | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 19 Frequent inspections to identify problem areas | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 20 Spill and leak prevention and control measures | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | See E.15 | See E.15 |
| 21 | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | |

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INDUSTRIAL STORM WATER INSPECTION REPORT

F. BMP IMPLEMENTATION EVALUATION – Significant Spills and Leaks:

| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
|---|-------------------------------------|--------------------------|--|-------------------------------------|---|--|
| | YES | NO | | | | |
| 22 Spill prevention plan and team | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | Spill prevention plan in place. Evidence of standing oil and grease spills indicate that the spill prevention plan requires improved implementation. See also F.24 | Improve and implement additional spill prevention BMPs such as increased employee training for spill clean-up, wider availability of spill control materials, and increased inspections and records of spills. Submit by 45 DAYS AFTER DATE OF COVER LETTER photo or written documentation of the above corrective actions. Submit this documentation by email to: cboshen@wateboards.ca.gov |
| 23 Proper containment of potential spill and leak areas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | See D.12, D.14 E.15 regarding containment and potential spills of oil, grease, and plastic pellets. | See D.12, D.14, E.15 correction action comments regarding containment and potential spills of oil, grease, and plastic pellets. |
| 24 Use of spill control materials | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | Spill control materials are kept in Michael Kuo's office. Evidence of oil and grease spills indicate that spill control materials may not be readily available for other employee's use. | See F.22 corrective action |
| 25 Prompt clean-up of spill control materials | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | See above | See above |
| 26 Frequent inspections to identify spills and leaks | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | See F.22 | See F.22 corrective action |
| 27 | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | |

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| G. BMP IMPLEMENTATION EVALUATION – Soil Erosion, Dust and Particulate Generating: | | | | | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------------|--------------------------------|
| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | YES | NO | | | | |
| 28 Proper grading and/or pavement | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 29 Tracking prevention | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 30 Planting and maintenance of vegetation | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 31 Sediment control devices (specify) | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 32 | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |

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INDUSTRIAL STORM WATER INSPECTION REPORT

| H. BMP IMPLEMENTATION EVALUATION – Non-Storm Water Discharge: | | | | | | |
|---|--------------------------|--------------------------|--|--------------------------|--------------------------------|--------------------------------|
| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
| | YES | NO | | | | |
| 33 Eliminate sources of non-storm water discharges | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 34 Separate permit for non-storm water discharges | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 35 Contain non-storm water discharges | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 36 Collect & treat non-storm water discharge | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |
| 37 | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |

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INDUSTRIAL STORM WATER INSPECTION REPORT

I. BMP IMPLEMENTATION EVALUATION – Non-Structural BMPs and Record Keeping:

| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
|---|-------------------------------------|--------------------------|--|-------------------------------------|---|--|
| | YES | NO | | | | |
| 38 Good Housekeeping (specify) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | <p>Outdoor loading docks (photo i.38a) contained pellets, trash and debris in the storm water catchment.</p> <p>Outdoor storage area contained upturned oil container and oil contaminated trash and debris (photo i.38b)</p> | <p>Improve housekeeping for outdoor loading docks and storage areas.</p> <p>Store oil containers upright and in designated hazardous materials area.</p> <p>Remove all oil contaminated debris and clean-up oil stained asphalt.</p> <p>Submit by 45 DAYS AFTER DATE OF COVER LETTER photo or written documentation of the above corrective actions. Submit this documentation by email to: cboshen@wateboards.ca.gov</p> |
| 39 Preventive Maintenance | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | <p>On-site storm drain contained trash and debris (photo i.39).</p> | <p>Remove trash and debris from the on-site storm drain.</p> <p>Modify storm drain maintenance procedures to ensure that the inlet is free of debris and pollutants.</p> <p>Submit by 45 DAYS AFTER DATE OF COVER LETTER photo or written documentation of the above corrective actions. Submit this documentation by email to: cboshen@wateboards.ca.gov</p> |
| 40 Material Handling and Storage | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | N/A | N/A |

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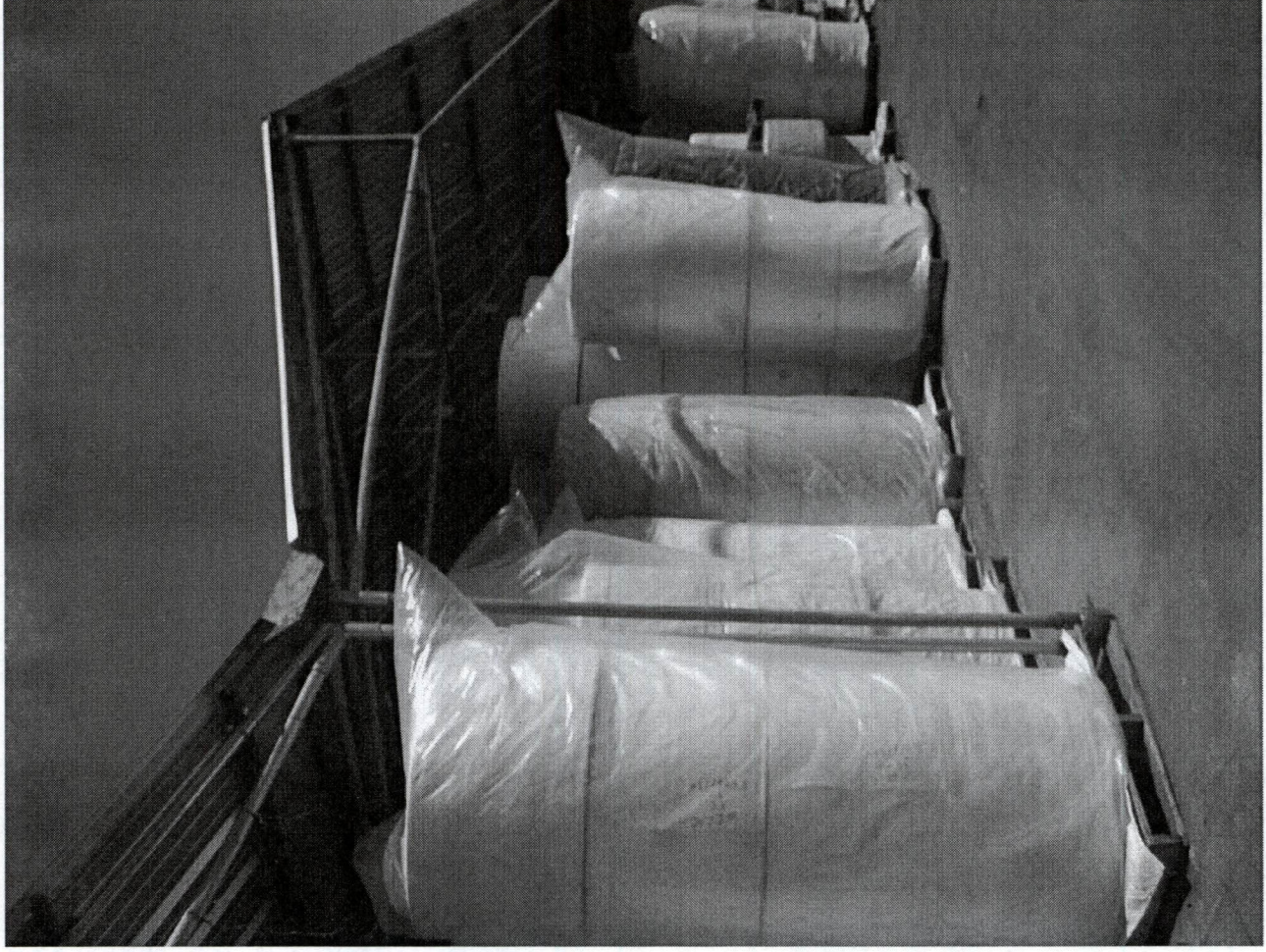
INDUSTRIAL STORM WATER INSPECTION REPORT

I. BMP IMPLEMENTATION EVALUATION – Non-Structural BMPs and Record Keeping:

| Industrial Activities or Pollutant Sources and the Corresponding Basic BMPs | BMP specified in SWPPP? | | BMP Implemented? (Not / Partially / Adequate) | Check if Violation | Comments/Violation Description | Corrective Action and Due Date |
|---|-------------------------------------|--------------------------|--|-------------------------------------|--|---------------------------------------|
| | YES | NO | | | | |
| 41 Employee Training | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | See F.22 comments | See F.22 corrective actions |
| 42 Waste Handling and Recycling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | Facility implements waste bag and container recycling with local pick-up. See notes regarding violations for waste handling of oil and hazardous materials D.12, I.38 | See correction actions for D.12, I.38 |
| 43 Proper documentation of significant spills and leaks | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input checked="" type="checkbox"/> | See F.22 comments | See F.22 corrective actions |
| 44 Documentation of inspections | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Partially Implemented | <input type="checkbox"/> | See B.3 | See B.3 |
| 45 | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | | |



d.7a



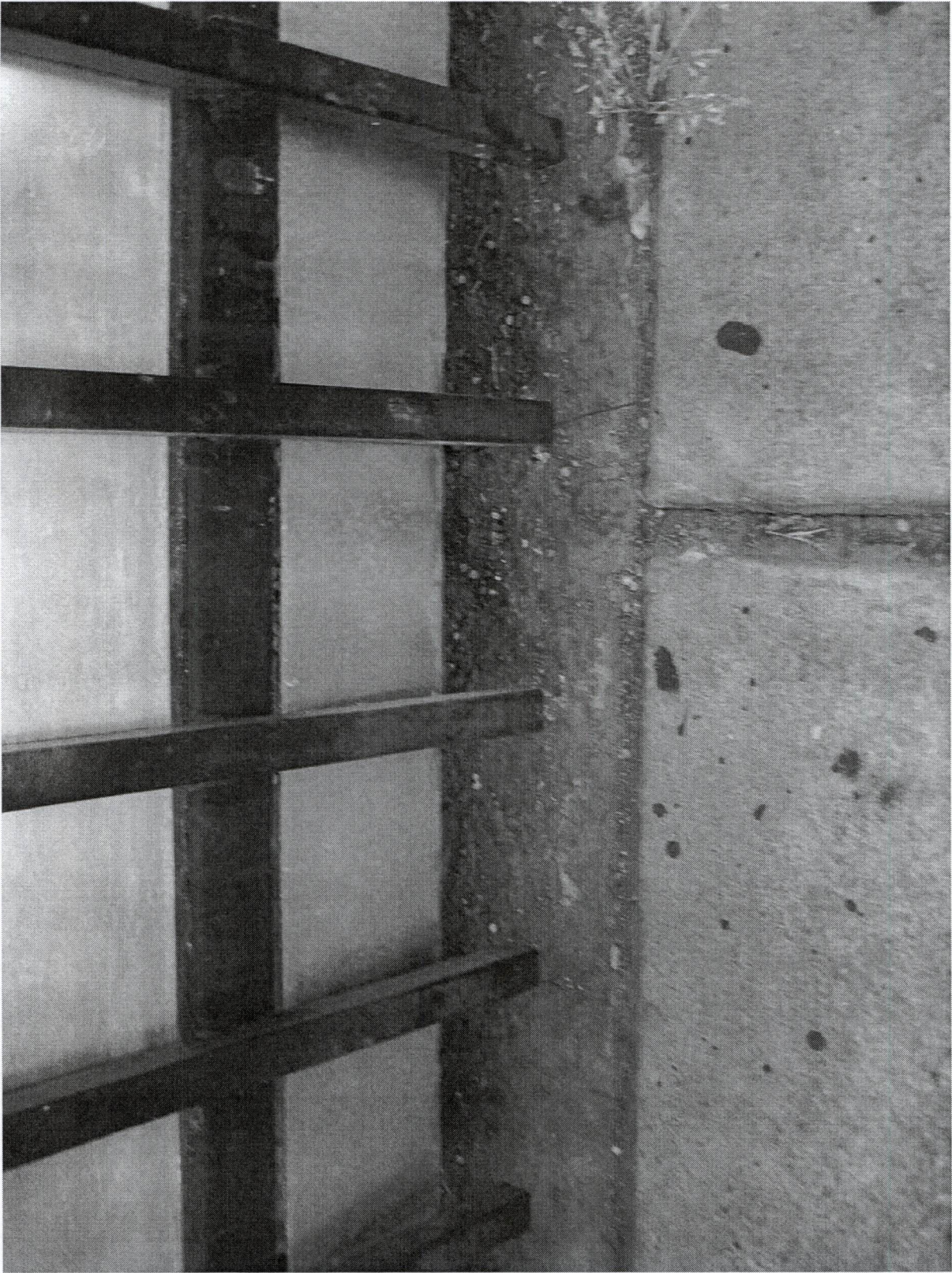
d.7b



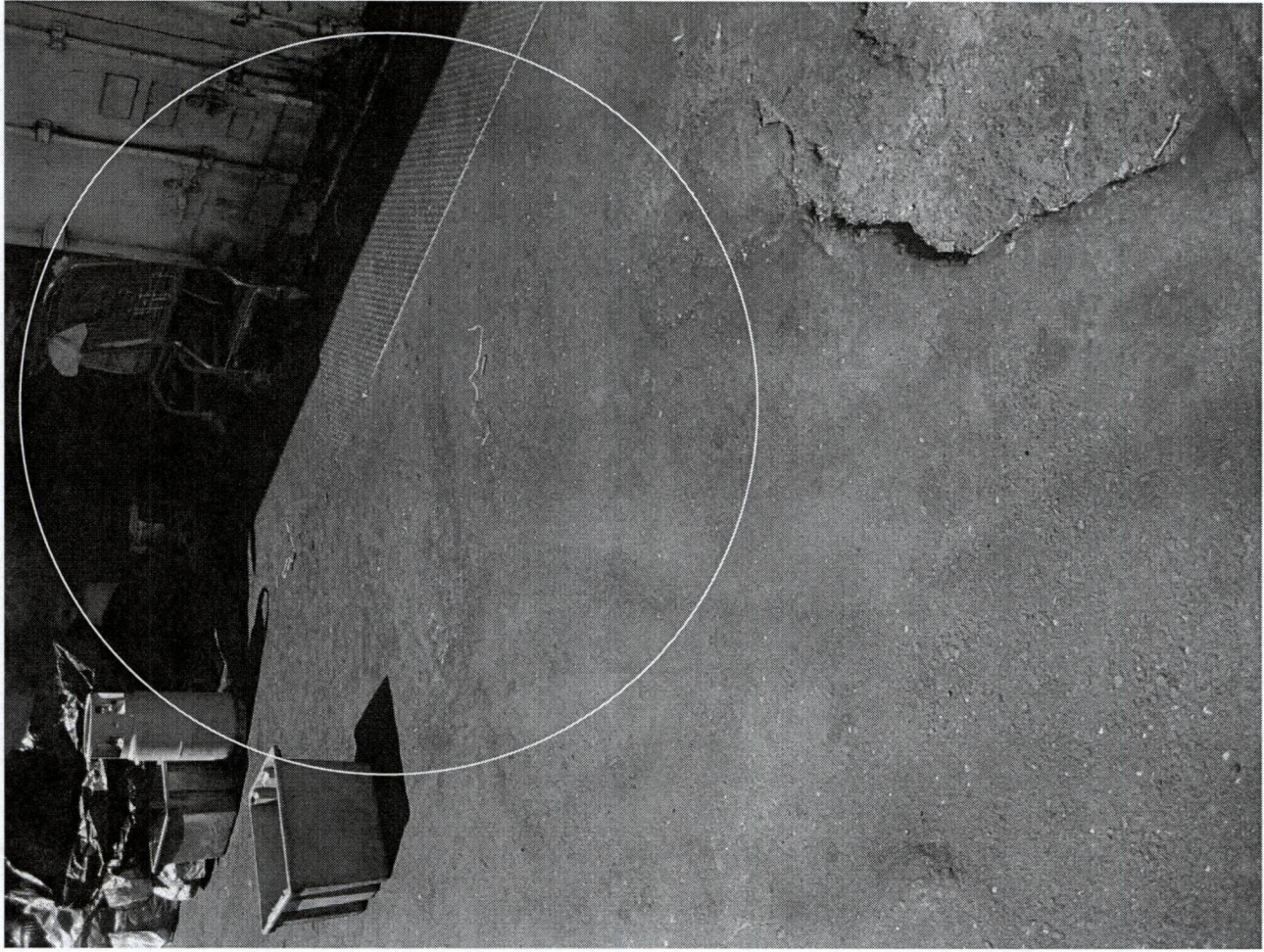
d.7c



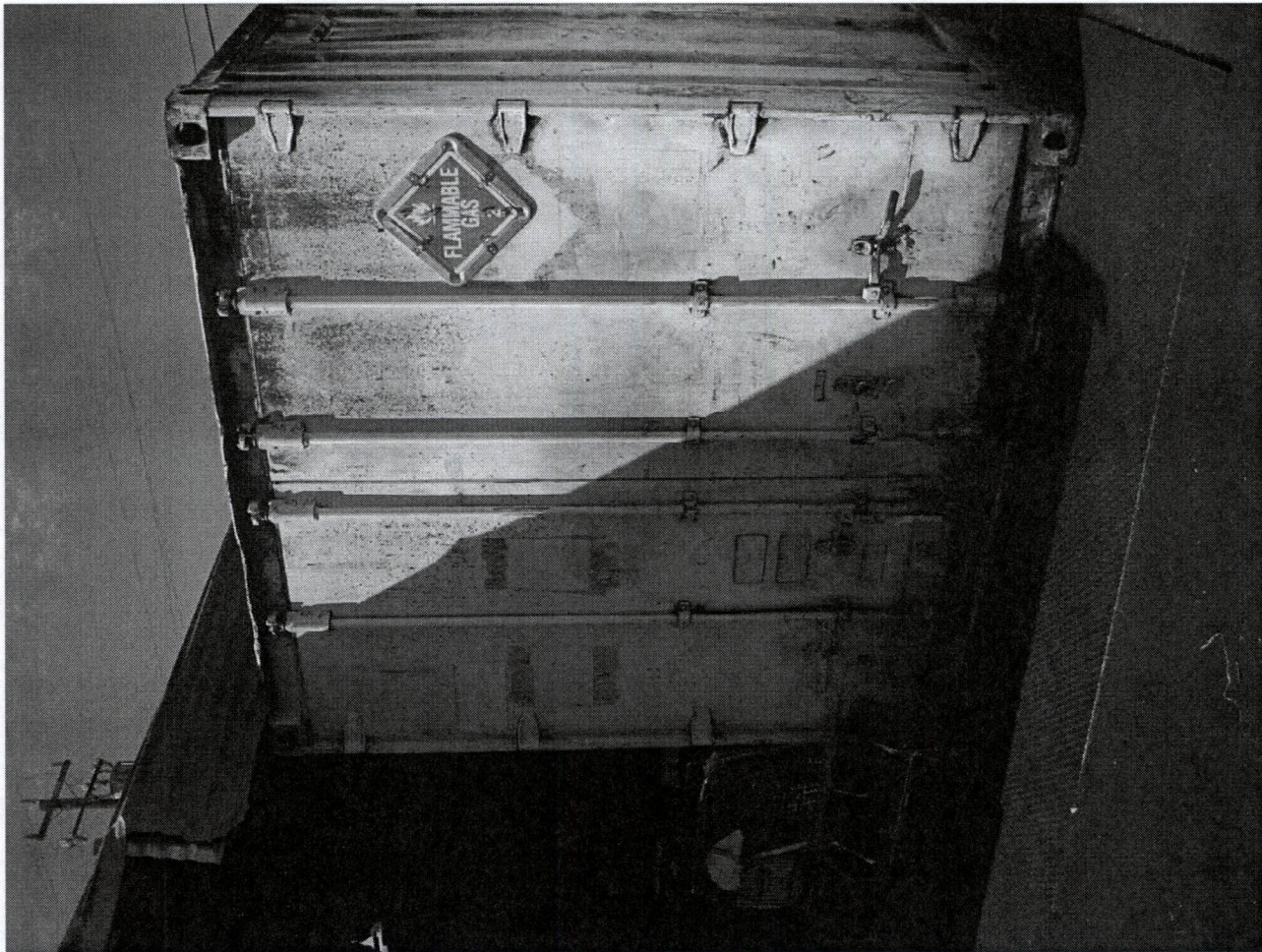
d.8a



d.8b



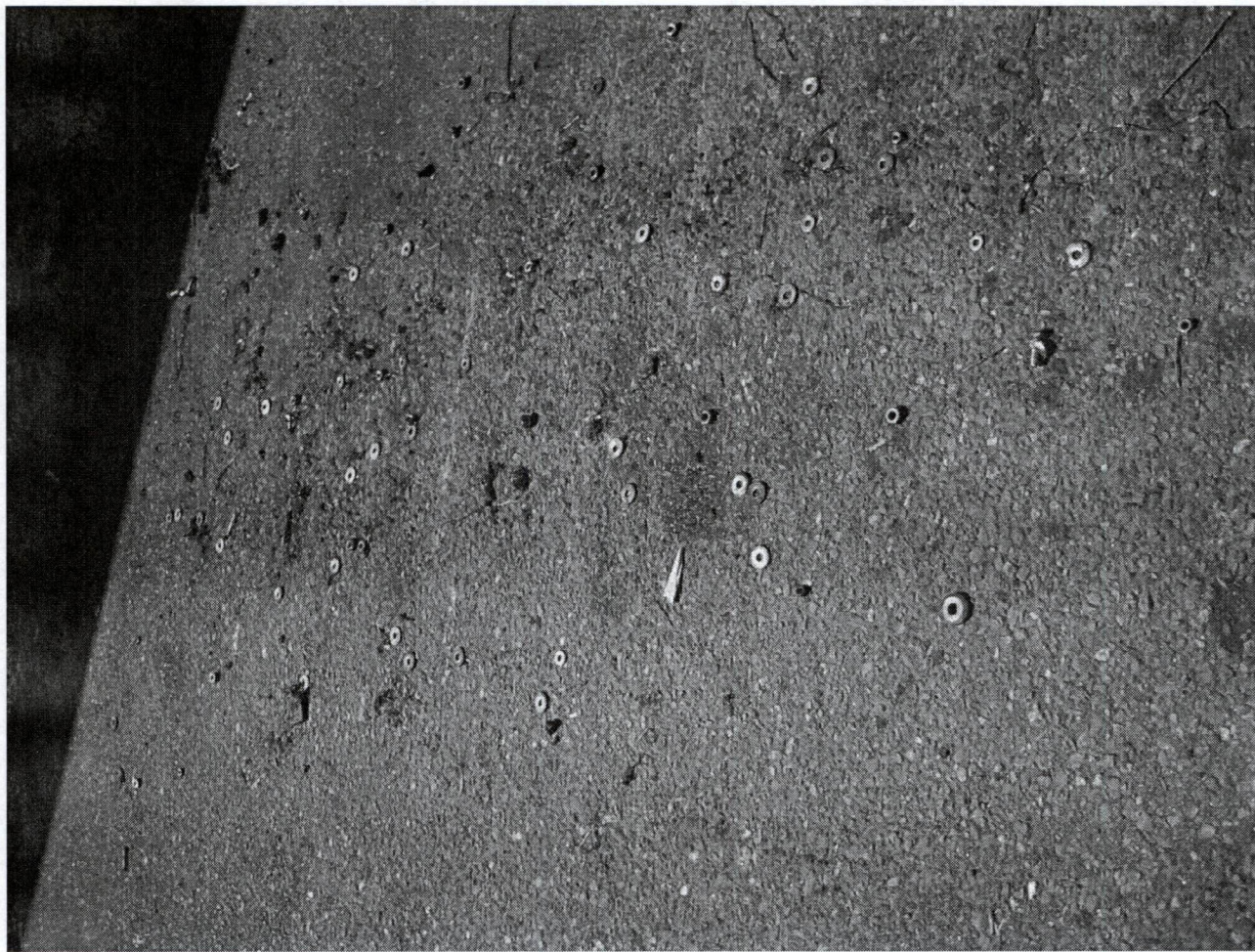
d.12



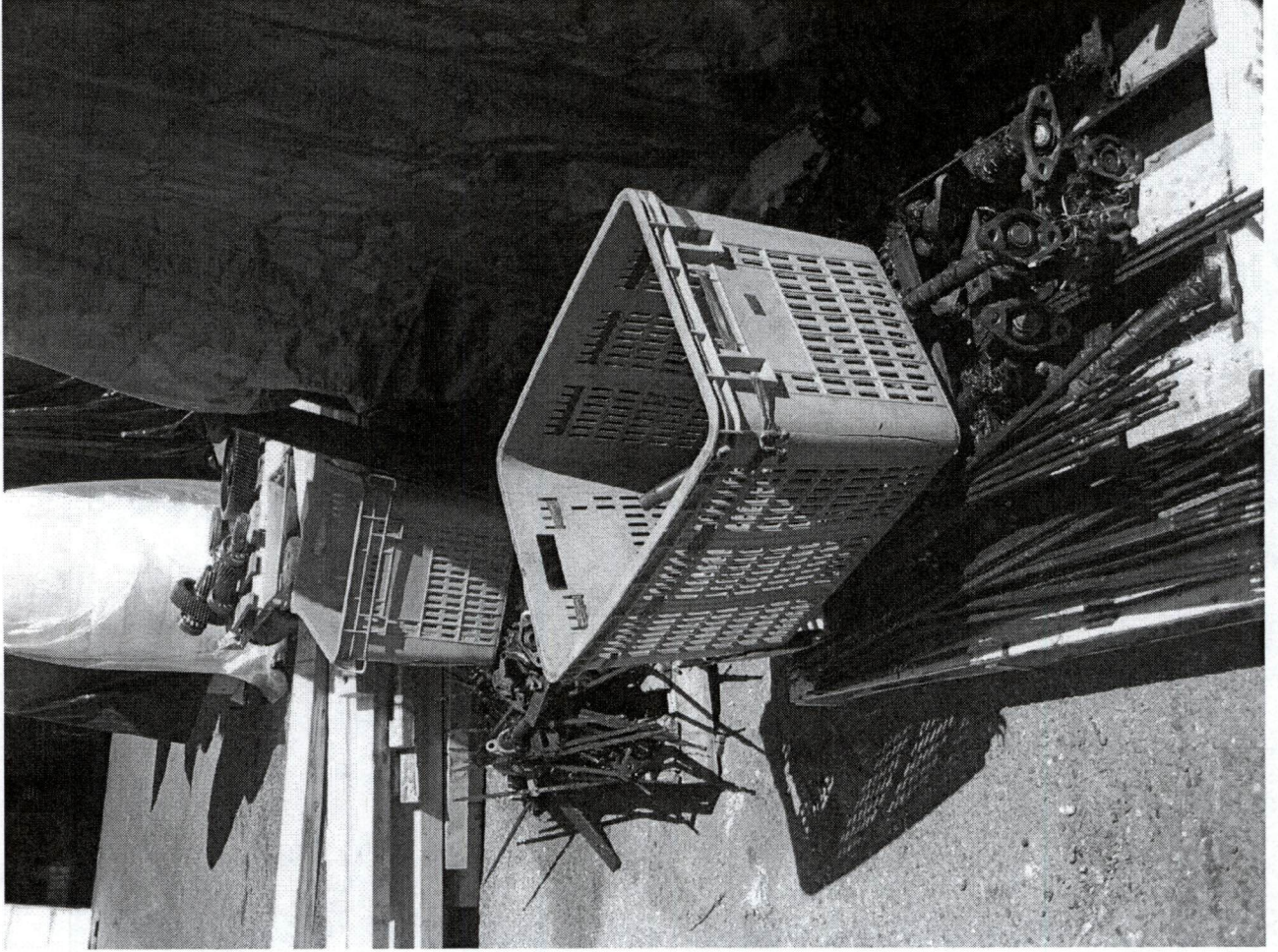
d.13



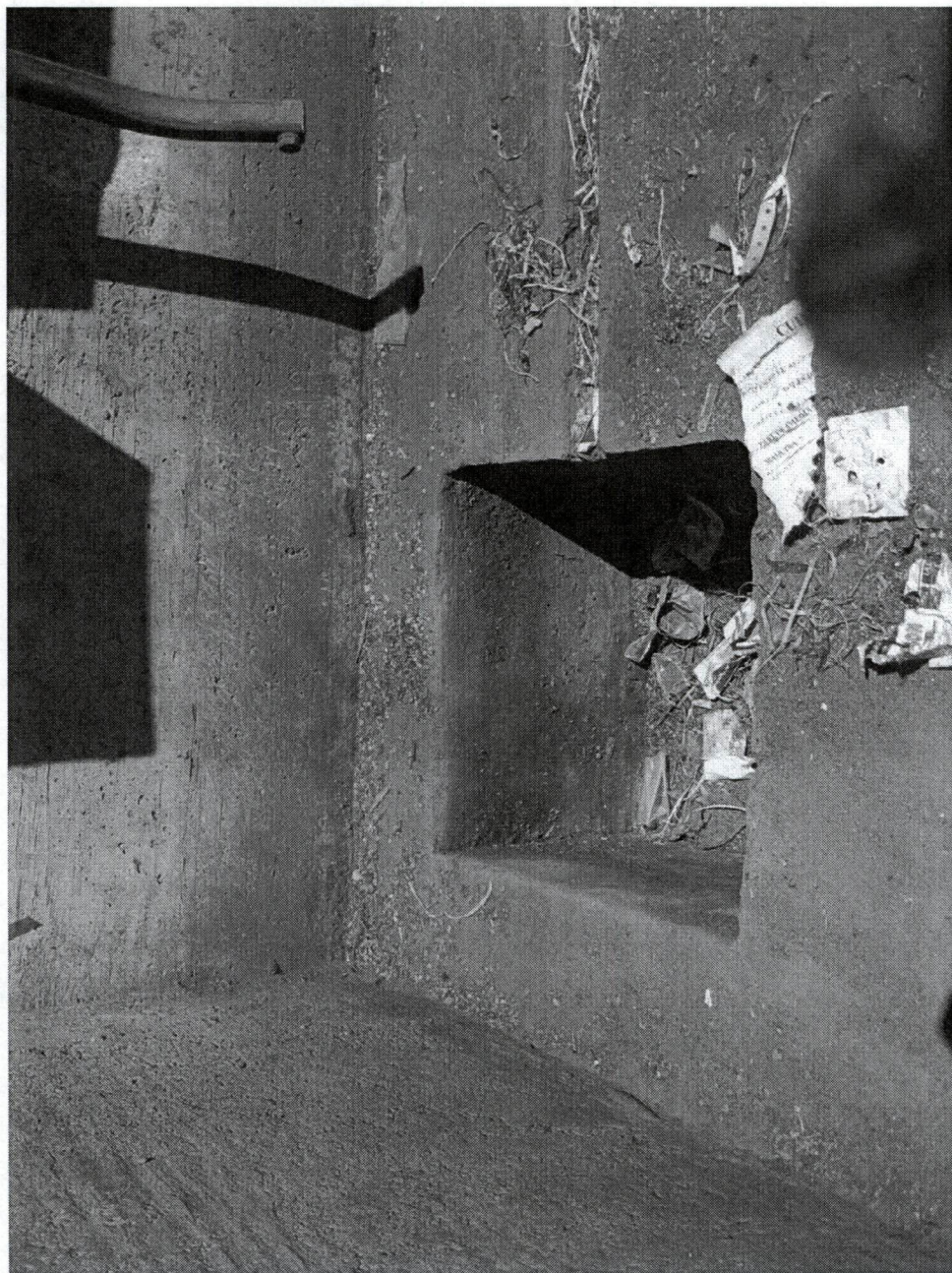
e.15a



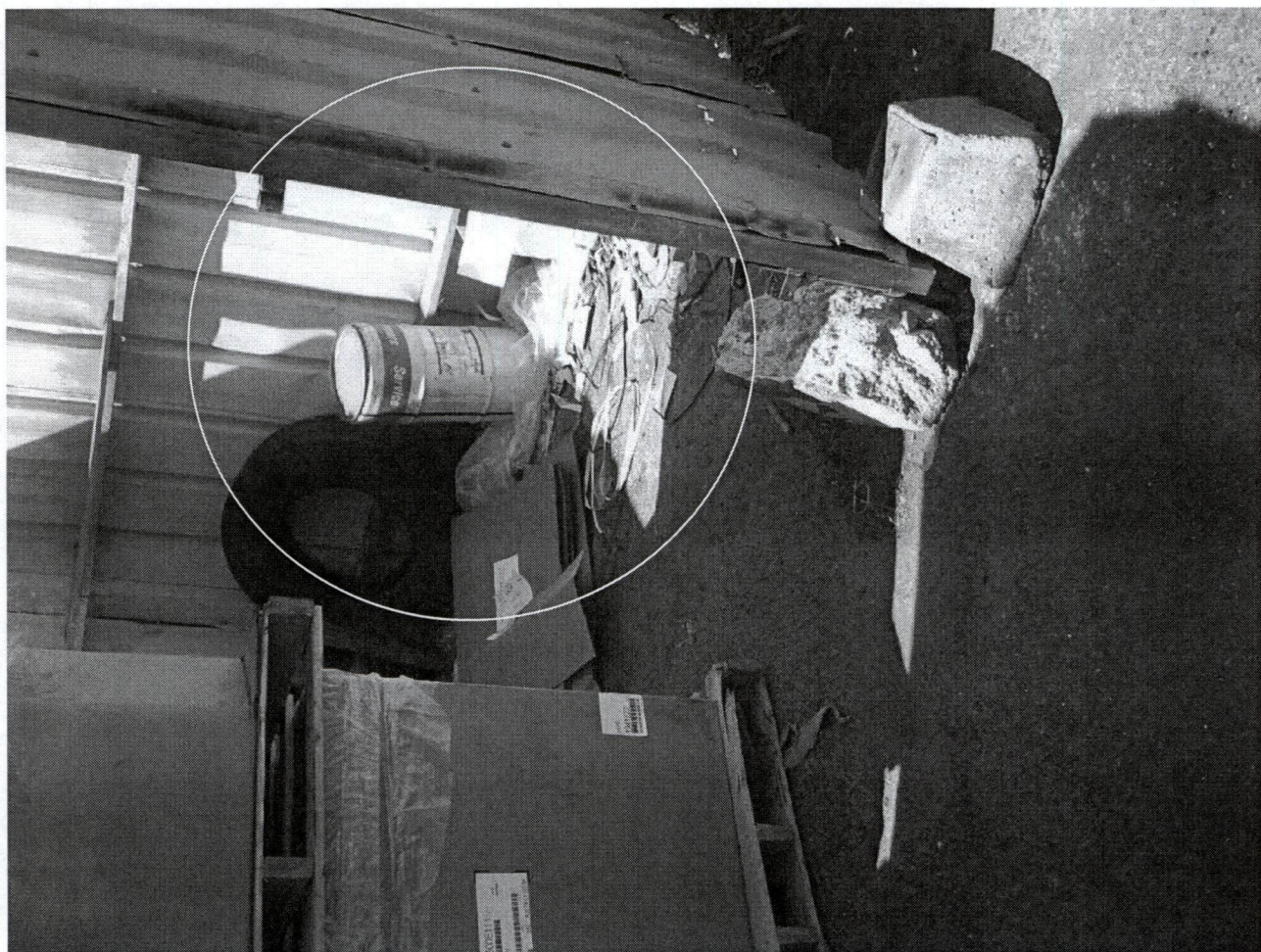
e.15b



e.15c



i.38a



i.38b



i.39